



Licensing Board
TOWN OF WATERTOWN
ADMINISTRATION BUILDING
149 Main Street
Watertown, Massachusetts 02472

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BOARD MEMBERS
DONNA B. DOUCETTE
GEORGE B. NEWMAN
ROBERT J. WHITNEY

ALTERNATE MEMBER
SANDRA KASABIAN HOFFMAN

Minutes June 19, 2014

1. ACCEPTANCE OF MINUTES: May 15, 2014 Approved 3-0
2. Atlantic Battery Company, Inc.
309 Rear Main Street
New Auto Repair License (After Market) Approved 3-0
3. Bridgestone Retail Operations, LLC d/b/a
Firestone Complete Auto Care
40 Arsenal Street
New Auto Repair License Approved 3-0
4. MJLK, Inc. d/b/a 21 Nickels
21 Nichols Ave.
 - a. Show Cause Continued to July 17, 2014
 - b. Show Cause Continued to July 17, 2014
5. Public Hearing – Continued to July 17, 2014
Regulations for special licenses for sale of wine by farm-wineries at
approved agricultural events
6. Comments by Board Clerk and Police Department

George B. Newman, Acting Chairman

Present: George B. Newman, Robert J. Whitney, Sandra Kasabian Hoffman

1. Minutes from the May 15, 2014 hearing were approved 3-0 by the Licensing Board.
2. Atlantic Battery Company, Inc.
103 Arlington Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Atlantic Battery Company, Inc. for an after-market motor vehicle repair license to be exercised at 309 Rear Main Street.

Keith Migell, president, appeared in support of the application. Mr. Migell stated that Atlantic Battery had held a license for a number of years at another location, 80 Elm Street, and has had a business presence for 60 years.

Sergeant Grady noted that relocation of the business from Elm Street had taken place in February of 2014, without notice to the Police Department. He stated that Atlantic Battery is a longstanding business with a good reputation, but that it should have given notice of the relocation. Mr. Migell responded that at the time of the move, he had contacted the Town regarding the status of his license upon relocation of the business and was told by someone that the relocation would be treated as a transfer; he had no prior experience with a relocation.

Sergeant Grady stated that the Police Department had no objection to the granting of the requested license, provided that the conditions stated below were imposed.

The Building Department reported that its approval was pending final plan review. The Fire and Health Departments and the Zoning Officer had no comment.

The Licensing Board voted unanimously to grant the requested license, subject to the following conditions:

1. The hours of operation shall not exceed 9:00 a.m. to 5:00 p.m. Monday through Friday.
2. The total number of vehicles on the property shall not exceed 8; 6 parking spaces outside for employees and customer parking, and 2 inside spaces for repair and installation.
3. All parking spaces shall be striped for easy identification.
4. The license is for installation of after-market auto parts only.
5. No auto body work shall be conducted on the premises.
6. There shall be no alcoholic beverages allowed on the premises.

3. Bridgestone Retail Operations, LLC
d/b/a Firestone Complete Auto Care
333 E. Lake Street
Bloomington IL 60108

The Watertown Licensing Board met to consider the application of Bridgestone Retail Operations, LLC d/b/a Firestone Complete Auto Care for a motor vehicle repair license to be exercised at 40 Arsenal Street.

Daniel Loberti, assistant district manager for Boston, and Kyle Duggan, store manager, appeared in support of the application. Mr. Loberti stated that a Firestone business had operated at the subject property for 50 years. There has been a company name change, so a new license application was submitted. There will be no changes to the operation of the business.

Sergeant Grady stated that the Police Department had no objection to the granting of the requested license, provided that the conditions stated below were imposed.

The Building, Fire and Health Departments and the Zoning Officer had no comment.

The Licensing Board voted unanimously to grant the requested license, subject to the following conditions:

1. The hours of operation shall not exceed 7:00 a.m. to 7:00 p.m. Monday through Friday, and 7:00 a.m. to 6:00 p.m. on Saturday.
 2. The total number of vehicles on the property shall not exceed 30, ten inside the building and 20 outside, as shown on the plan submitted (sketch plan showing interior service bays and adjacent outside parking spaces – with reference to plan entitled “New Firestone Sales & Service Center, corner of Arsenal & Taylor Street, Watertown, Mass.” sheets 1 and 4, copies of which were filed in the office of the Town Clerk on April 15, 2014).
 3. All parking spaces shall be striped for easy identification.
 4. No auto body work shall be conducted on the premises.
 5. There shall be no alcoholic beverages allowed on the premises.
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- 4a. MJLK, Inc.
d/b/a 21 Nickels
c/o Michael J. Moran
67 Burton Street
Brighton, MA 02135

The Watertown Licensing Board has continued the show cause hearing concerning a violation of Section IV.C.1.b of the Rules and Regulations of the Watertown Licensing Board, which requires that a restaurant authorized to sell alcohol on Sundays submit an annual report, by May 1 of each year, confirming that the licensed establishment derives 60% or more of its gross revenues from the sale of food, to wit: your failure to submit an annual report for 2012. The matter had previously been continued from June 20, July 18, August 15, September 19, October 17, November 21, December 19, 2013, and January 16, February 20, March 20, April 17, and May 15, 2014, and the proceedings from the sessions held on those dates are described in the Board's Notices of Action and Continuance dated July 10, August 7, August 23, October 4, and November 1, 2013 and the Notices of Continuance dated December 2, 2013, and January 7, January 31, March 10, April 9, May 7, and May 27, 2014.

The continued hearing will be held on July 17, 2014 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

4b. MJLK, Inc.
d/b/a 21 Nickels
c/o Michael J. Moran
67 Burton Street
Brighton, MA 02135

The Watertown Licensing Board held a continued session of a show cause hearing on the matter of the closure of the premises at 21 Nichols Avenue licensed for all alcohol common victualler service and the failure to comply with the conditions of the Board's approval of that closure. The matter had been continued from June 20, July 18, August 15, September 19, October 17, November 21, December 19, 2013, and January 16, February 20, March 20, April 17, and May 15, 2014, and the proceedings from the sessions held on those dates are described in the Board's Notices of Action and Continuance dated July 10, August 7, August 23, October 4, November 1, December 2, 2013, January 7, January 31, March 10, April 9, May 7, and May 27, 2014.

Attorney Paul Rufo appeared on behalf of the licensee. Attorney Rufo stated that a license transfer application had been filed by Gerald Caico, who proposes to operate the premises as The Nickels Tavern. The application will be placed on the Licensing Board's July, 2014 agenda. MJLK, Inc. has received a waiver of corporate excise tax lien and a certificate of good standing from the Department of Revenue.

Attorney Rufo reported that on June 5 a complaint was filed in Suffolk Superior Court against Sandra Fisher Gavin, a trustee of 21 Nichols Trust, to compel endorsement of the lease negotiated by trustees Michael and Shawn Moran with the limited liability company organized by Mr. Caico to act as tenant, Caico Property, LLC. A preliminary injunction hearing was held on June 18, and has been continued to June 25, 2014. Ms. Fisher Gavin was represented by counsel at the June 18 hearing, who reported to Attorney Rufo that Ms. Fisher Gavin does not want to continue in the restaurant business, but only wants to get paid in connection with the proposed transfer transaction. Attorney Rufo noted that Ms. Fisher Gavin has not contributed to the mortgage payments owed on the subject property by 21 Nichols Trust since February of 2014. He requested a continuance of the show cause hearing to the Board's July meeting.

The Licensing Board voted to continue the matter to July 17, 2014. The continued hearing will be held at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

5. Public Hearing – Regulations for special licenses for sale of wine by farm-wineries at approved agricultural events
The licensing board voted to continue this matter to the July 17, 2014 hearing.
6. No comments from the Board Clerk or Police Department